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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,188	01/28/2000	Hidehiro Ishii	P7156-9071	1906

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EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 11/20/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/493,188

Applicant(s)
Ishii et al.

Examiner
Gautam R. Patel

Art Unit
2655



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 3, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-46 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. Claims 7-46 are pending for the examination. Claims 7-46 are newly presented for examination

CPA STATUS

2. The request filed on 10-3-02 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application is acceptable and a CPA has been established. An action on the CPA follows.

Drawings

3. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show *every feature* of the invention specified in the claims. Therefore, "a second recording device which records the control information" must be shown or the feature canceled from the claim. **No new matter should be entered.**
4. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:
 - a. A separate letter to the Draftsman in accordance with MPEP § 608.02 (r);and,
 - b. A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02 (v).

IMPORTANT NOTE: the print or pen-and-ink sketch with proposed corrections shown in *red ink* [or cancellation of "second recording device" form claim 15] is required in response to this Office Action, and may not be deferred.

Claimed Subject Matter Not in Specification

5. The disclosure is objected for following reasons.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

“ a second recording device” as claimed in claim 15; which does not have antecedent basis in the specification.

Claim Objections

6. Claims 15-22 are objected for following reasons.

Claim 15, line 7 claims “a second recording device”. However specification or figures do not disclose a second recording device [specification shows first recording device only (circuit 18 of fig. 1)].

NOTE: For examination purposes it is assumed a typographical error was made and the Applicants are claiming a second input or second input means, generating control information for recording and not a second recording device itself.

Corrections and/or explanations are required.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7-46 are rejected under 35 U.S.C. § 102(e) as being anticipated by Aoki et al., US. patent 6,243,220 (hereafter Aoki).

As to claim 7, Aoki discloses the invention as claimed [see Figs. 1-9 especially 1A, 1B, 3B and 4B] including a first recording area, a second recording area and control information indicating different recording modes, comprising:

a first recording area [fig. 2, Audio signal area A & B] on which an audio stream containing audio data is recorded [col. 4, lines 5-10 and col. 15, lines 26-30]; and

a second recording area [fig. 3B & 3C, AUDIO MODE CONTROL SIGNAL area] on which control information [signals b1-b6] is recorded [col. 6, lines 4-44 and col. 15, lines 26-30],

wherein the control information includes application information indicating whether or not the audio stream contains audio data with different recording modes [col. 4, lines 35-43 and col. 7, lines 6-16].

8. As to claim 8, Aoki discloses:

the recording modes include monaural audio, multi-channel audio and multiplexed [two-language/multi-language] audio [col. 4, lines 35-43 and col. 7, lines 8-16].

9. As to claim 9, Aoki discloses:

the audio stream contains multiplexed audio data [col. 4, lines 35-43 and col. 7, lines 8-16].

10. As to claim 10, Aoki discloses:

the multiplexed audio data consists of a plurality of audio channels and contains multiple language data in different audio channels [col. 4, lines 35-43 and col. 7, lines 8-16].

11. As to claim 11, Aoki discloses:

the audio stream further contains multi-channel audio data, and
wherein the application information indicates that the audio stream contains the audio data with different recording modes [col. 4, lines 35-43 and col. 7, lines 8-16]

12. As to claim 12, Aoki discloses:

the control information further includes number information indicating a number of audio channels in the audio stream [col. 5, lines 56 to col 6, line 3]. NOTE: Since each audio channel is identified individually, and where data is recorded, information indicating number of channels for that mode is inherently present. For example stereo 2-channels would have two channels and stereo 4-channels would have four channels. This information is inherently needed to assign the channels and wires necessary to transmit and record the information.

13. As to claim 13, Aoki discloses:

the control information further includes number information specifying one of the recording modes [col. 5, lines 11-40].

14. As to claim 14, Aoki discloses:

the control information further includes rate information [sampling frequency] indicating a bit rate of the audio data [col. 4, lines 44-61 and col. 5, lines 56-63].

15. As to claim 15, Aoki discloses:

a first recording device [fig.1A, unit 16; Recording Amplifier] which records audio data on the recording medium as an audio stream [col. 4, lines 18-34];

a generating device [fig. 1A, unit 10] which generates control information including application information indicating whether or not the audio stream contains audio data with different recording modes [col. 3, lines 34-53; col. 4, lines 35-61 and col. 7, lines 8-16]; and

a second input device [fig. 1A, unit 10] which generates the control information for recording on the recording medium [col. 4, lines 35-61 and col. 7, lines 8-16].

16. As to claims 16-22, they are claims corresponding to claims 8-14 respectively and they are therefore rejected for the same reasons set forth in the rejection of claims 8-14 respectively, supra.

17. As to claim 23, Aoki discloses:

a first recording area [fig. 2, AUDIO SIGNAL AREA A or B] on which an audio stream containing the audio data is recorded [col. 5, lines 5-10], and a second recording area [fig. 2, SUBCODE AREA A or B] on which control information is recorded [col. 15, lines 26-30], wherein the control information includes application information indicating whether or not the audio stream contains audio data with different recording modes [col. 4, lines 35-43;], the system comprising:

reading device [fig. 1B, unit 20] which reads the control information from the recording medium [col. 5, lines 11-40], and

controller [fig. 1B, unit 28] which controls the reproduction of the audio data recorded on the medium based on the control information [col. 5, lines 11-40].

18. As to claims 24-25, they are claims corresponding to claims 8-9 respectively and they are therefore rejected for the same reasons set forth in the rejection of claims 8-9 respectively, supra.
19. As to claim 26, Aoki discloses:
the multiplexed audio data consists of a plurality of audio channels and contains multiple language data in different audio channels [col. 4, lines 35-43 and col. 7, lines 8-16],
the system further comprising operating device [fig. 1B, units 24 and 28] for selecting one of the multiple language data, wherein the controller controls the reproduction of the audio data such that only the selected [audio selection switch] one of the multiple language data is reproduced [col. 3, lines 15-25 and col. 5, lines 18-40].
20. As to claims 27-30, they are claims corresponding to claims 11-14 respectively and they are therefore rejected for the same reasons set forth in the rejection of claims 11-14 respectively, supra.
21. As to claim 31, Aoki discloses:
recording audio data on the recording medium as an audio stream [col. 4, lines 18-34];
generating control information [fig. 1A, unit 10] including application information indicating whether or not the audio stream contains audio data with different recording modes; and recording the control information on the recording medium [col. 3, lines 34-53; col. 4, lines 35-61].
22. As to claims 32-38, they are method claims corresponding to claims 8-14 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 8-14 respectively, supra.

23. As to claim 39, drawn to a method corresponding to the apparatus of claim 23, is rejected for similar reasons set forth in the rejection of claim 15, supra.
24. As to claims 40-46, they are method claims corresponding to claims 8-14 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 8-14 respectively, supra.
25. Applicant's arguments with respect to claims 7-46 have been considered but are deemed to be moot in view of the new grounds of rejection.

Other prior art cited

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Katsuyama et al. (US. patent 6,208,800) "recording apparatus, recording system, and recording method".
 - b. Hayashi et al. (US. patent 4,523,236) "Video signal recording and reproducing apparatus including means for discriminating the mode of multiplexing of an audio signal".
 - c. Azuma et al. (US. patent 5,323,273) "Audio signal recording and playback apparatus of magnetic recording and playback apparatus".
 - d. Yokota et al. (US. patent 5,926,448) "Recording medium, recording apparatus ...".
 - e. Tsuda (US. patent 5,430,738) "Information transmission system for transmitting a digital information signal divided into packets with a n information signal error diagnosis and correction function".

f. Beard (US. patent 6,252,965) "Multichannel spectral mapping audio apparatus and method".

g. Modeste et al. (US. patent 5,852,800) "Method and apparatus for user controlled modulation and mixing of digitally stored compressed data".

h. Itoi et al. (US. patent 6,477,313) "Disc control method and disc control unit".

Contact information

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



Gautam R. Patel
Patent Examiner
Group Art Unit 2655

November 15, 2002